

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:18-cr-00040-RLY-MPB
)	
VICTORIA L. LEWIS,)	-01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On September 6, 2019, the Court held an Initial Appearance on a Warrant for Violation of Supervised Release in the Petition filed August 23, 2019. ([Dkt. No. 11](#)). On September 27, 2019, the Court held the Final Revocation Hearing. Defendant Lewis appeared in person with CJA Counsel David Lamont. The government appeared by Matt Miller, Assistant United States Attorney. The United States Probation and Parole Office appeared by Officer Andrea Hillgoth.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Lewis of her rights and provided her with a copy of the petition.
2. After being placed under oath, Defendant Lewis admitted violations 1, 2, and 3 ([Dkt. No. 11](#)).
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

	Violation Number	Nature of Noncompliance
	1	<p>"The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance."</p> <p>On August 5, August 9, and August 15, 2019, Victoria Lewis tested positive for amphetamines. She admitted to using methamphetamine on August 5, Hydrocodone on August 7, and Adderall on August 8, 2019.</p> <p>As previously reported to the Court on April 3, June 20, June 28, and July 3, 2019, Victoria Lewis tested positive for amphetamines and admitted to illegal drug use.</p>
	2	<p>"The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons."</p> <p>On July 24, 2019, Victoria Lewis was terminated from her employment. Although she led this officer to believe she was employed until August 8, 2019, she had not been to work since June 10, 2019.</p>
	3	<p>"The defendant shall not commit another federal, state, or local crime."</p> <p>As previously reported to the Court, on January 27, 2019, Victoria Lewis was issued a misdemeanor citation for shoplifting. Her case is still pending.</p>

4. The parties stipulated that:

- a. The highest grade of violation is a Grade B violation.
- b. Defendant's criminal history category is II.
- c. The advisory range of imprisonment applicable upon revocation of supervised release, therefore, is 6-12 months imprisonment.

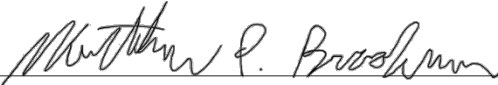
5. The parties jointly recommended a sentence of twelve (12) months

and one (1) day with no further supervision to follow.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that her supervised release should be revoked, and that she be sentenced to the custody of the Attorney General or his designee for a period of twelve (12) months and one (1) day with no further supervision upon release.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: September 30, 2019


Matthew P. Brookman
United States Magistrate Judge
Southern District of Indiana

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